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PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

| | |
|---|---|
| Date of mailing (day/month/year) 13 November 2000 (13.11.00) | |
| International application No. PCT/IB00/00397 | Applicant's or agent's file reference CM2089/3M |
| International filing date (day/month/year) 31 March 2000 (31.03.00) | Priority date (day/month/year) 09 April 1999 (09.04.99) |
| Applicant LANT, Neil, Joseph et al | |

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
 06 October 2000 (06.10.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

| | |
|--|--|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35 | Authorized officer Juan Cruz Telephone No.: (41-22) 338.83.38 |
|--|--|

PATENT COOPERATION TREATY

PCT

12

REC'D 05 APR 2001

WIPO PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

| | | |
|--|---|---|
| Applicant's or agent's file reference CM2089/3M | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/IB00/00397 | International filing date (day/month/year) 31/03/2000 | Priority date (day/month/year) 09/04/1999 |
| International Patent Classification (IPC) or national classification and IPC C11D17/00 | | |
| Applicant THE PROCTER AND GAMBLE COMPANY et al. | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☒ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

| | |
|---|--|
| Date of submission of the demand 06/10/2000 | Date of completion of this report 03.04.2001 |
| Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 | Authorized officer Ruckebusch, V Telephone No. +49 89 2399 8493 |



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/IB00/00397

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-12,14-34 as originally filed

13 as received on 17/05/2000 with letter of 17/05/2000

Claims, No.:

1-9 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/IB00/00397

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

II. Priority

1. ☐ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:

☐ copy of the earlier application whose priority has been claimed.

☐ translation of the earlier application whose priority has been claimed.

2. ☒ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid.

Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:
see separate sheet

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------|------|--------|-----|
| Novelty (N) | Yes: | Claims | 4-9 |
| | No: | Claims | 1-3 |

| | | | |
|---------------------|------|--------|-----|
| Inventive step (IS) | Yes: | Claims | |
| | No: | Claims | 1-9 |

| | | | |
|-------------------------------|------|--------|-----|
| Industrial applicability (IA) | Yes: | Claims | 1-9 |
| | No: | Claims | |

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

1. Reference is made to the following documents from the search report:

D1: WO 99 06522 A (PROCTER & GAMBLE) 11 February 1999

D2: GB 989 683 A (COLGATE-PALMOLIVE CO) 22 April 1965

D3: WO 99 27064 A (PROCTER & GAMBLE) 3 June 1999

Re Item II

Priority

2. D3, published 03.06.99 and filed 05.11.98, belongs to the same applicant. Since this P-document is novelty destroying (see Re Item V, Paragraph 3.4), and yet comes from the same applicant, the priority of the present application is not valid and thus D3 belongs to the state of the art and will be considered as the first application for priority purposes (see PCT Guidelines, V-1.4)

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

3. *Novelty (Article 33(2) PCT)*

- 3.1 D1 discloses (cf. page 3, first paragraph and page 88 to 89; Claims 1 to 18) a detergent tablet employed in a washing method (dishwashing or laundry washing) comprising a compressed portion and a non-compressed portion. The said non-compressed portion can contain (cf. example 2) a polyethylene glycol (PEG) or a gelatine, as disclosed in claim 1 of the present application.
- 3.2 Moreover, document D2, relating to (cf. page 2, line 69 to 72; claim 1) a detergent tablet coated by water-soluble film-forming polymer (preferably polyvinyl alcohol), also disclose the subject-matter of the present claim 1.
- 3.3 The Documents D1 and D2 would therefore appear to detract from the novelty of claim 1 according to Article 33(2) PCT.

- 3.4** Moreover, D3, published 03.06.99, filed 05.11.98 relates to (cf. page 5, line 13 to 21; examples 1 to 3; claims) a detergent tablet for laundry or dishwashing which has one or more non-compressed gelatinous body. Document D3, belonging to the same applicant was published between the priority date and the filing date of the present application. Therefore document D3 also appears to detract from the novelty of claim 1 according to Article 33(2) PCT.
- 3.5** Dependent claims 2 and 3 do not contain any features, which have already been disclosed in documents D1, D2 and/or D3, to meet the requirements of Article 33(2) PCT in respect of novelty.

4. *Inventive Step (Article 33(3) PCT)*

- 4.1** Given the situation on novelty set out in paragraph 2 above, it makes little sense to consider the issue of inventive step for claims 1 to 3 at this stage. The closest state of the art would nevertheless appear to be document D1, which like the present application is concerned with detergent tablets for laundry or dishwashing with two parts, one of those (the outer-surface) being "not strictly speaking a solid or a liquid" to provide an effective wash on a substrate such as a fabric or a dish at different times.
- 4.2** However, document D1, which is considered to represent the most relevant state of the art, discloses (cf. page 3, first paragraph and page 88 to 89) a machine dishwashing method and a laundry washing method using a detergent tablet; the subject-matter of claim 4 differs from D1 in that there is a step before bringing the tablet and the substrate together in the washing machine, where the tablet is rubbed onto the substrate.
- 4.3** However, because the tablets of D1 already have good wash properties, the notional skilled person in the art would consider it as obvious to rub the substrate with the detergent tablet onto the substrate before the wash to emphasize the effect. Thus, the subject-matter of claim 4 does not involve an inventive step and therefore not satisfy the requirements of Article 33(3) PCT.

- 4.4 Dependent claims 5 to 9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step according to Article 33(3).

Re Item VII

Certain defects in the international application

6. To meet the requirements of Rule 5.1(a)(ii) PCT, D1 should be identified in the description and its relevant content should be indicated. The applicant should ensure that it is clear from the description which feature of the subject-matter of independent claims 1 are known from D1, which is considered to represent the closest state of the art.

09/937,178

PATENT COOPERATION TREATY

RECEIVED

AUG 23 2000

PCT P & G Patent Division
International ITC

From the INTERNATIONAL SEARCHING AUTHORITY

To:

THE PROCTER & GAMBLE COMPANY
Attn. REED, DAVID T.
5299 Spring Grove Avenue
CINCINNATI, OHIO 45217-1087
UNITED STATES OF AMERICA

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

No-CLARPA

Date of mailing
(day/month/year)

23/08/2000

Applicant's or agent's file reference

CM2089/3M

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.

PCT/IB 00/00397

International filing date
(day/month/year)

31/03/2000

Applicant

THE PROCTER AND GAMBLE COMPANY et al.

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:
The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Emmanuel Cherqui

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.